



Order Filed on August 13, 2019  
by Clerk  
U.S. Bankruptcy Court  
District of New Jersey

UNITED STATES BANKRUPTCY COURT  
DISTRICT OF NEW JERSEY

Caption in Compliance with D.N.J. LBR 9004-1(b)

827207  
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In Re:

JANETH HERNANDEZ

Debtor(s)

Case No.: 19-22655 - RG

Hearing Date: 08/07/2019

Judge: ROSEMARY GAMBARDELLA

Chapter: 13

Recommended Local Form: ☐ Followed ☒ Modified

**ORDER VACATING STAY PURSUANT TO 11 U.S.C. §362(D)(4) AND RELIEF FROM  
CO-DEBTOR STAY PURSUANT TO 11 USC SECTION 1301 (C), GRANTING MOVANT  
WELLS FARGO BANK, N.A. IN REM RELIEF FROM THE AUTOMATIC STAY TO  
PREVENT FUTURE BANKRUPTCY FILINGS BY THE DEBTOR**

\_\_\_\_ The relief set forth on the following page is hereby **ORDERED**.

**DATED: August 13, 2019**

A handwritten signature in cursive script, reading "Rosemary Gambardella", is written over a horizontal line.  
Honorable Rosemary Gambardella  
United States Bankruptcy Judge

Upon the motion of Phelan Hallinan Diamond & Jones, PC, attorneys for WELLS FARGO BANK, N.A., under Bankruptcy Code section 362(a) for relief from the automatic stay as to certain property as hereinafter set forth, and for cause shown, it is

AND NOW, it appearing to the Court that the requisite conditions for the issuance of such an Order exists, the Court hereby confirms via this Order, that In Rem Relief is granted to WELLS FARGO BANK, N.A. so that it may proceed with its State Court Remedies on the following real property:

☒ Real Property more fully described as:

406 FRANKLIN AVENUE, BELLEVILLE, NJ 07109 AKA 406  
FRANKLIN AVE, BELLEVILLE, NJ 07109

**ORDERED** that the Automatic Stay of all proceedings, as provided under 362 of the Bankruptcy Code is modified with respect to premises 406 FRANKLIN AVENUE, BELLEVILLE, NJ 07109, as more fully set forth in the legal description attached to said mortgage, as to allow the Movant, its successors or assigns, to take any legal or consensual action for enforcement of its right to possession of, or title to, said premises; said actions include but are not limited to its State Court Rights and eviction proceedings; and it is further

☐ Personal property more fully described as:

**ORDERED**, that future bankruptcy cases filed by the Debtor JANETH HERNANDEZ, their successors or assigns, co-debtors, co-mortgagors, co-obligors, or any occupants, will not stay any actions taken by Movant, its successors, assigns, or any other purchaser or entity from proceeding with any legal or consensual actions necessary for enforcement of its right to possession of, or title to, said premises; and it is further

**ORDERED**, that the Movant may join the Debtor and any trustee appointed in this case as defendants in its actions irrespective of any conversion to any other chapter of the Bankruptcy Code; and it is further

**ORDERED** that the Office of the Clerk of ESSEX County is hereby directed to allow for the recording of this Order, and that this Order is effective for two (2) years from the date of entry, provided it is recorded as provided for by §362(d)(4).

It is further **ORDERED** that the co-debtor stay under 11 U.S.C. 1301 is vacated as to the co-debtor, STEPHEN RINCON, to permit WELLS FARGO BANK, N.A. to pursue its rights in the real property described above and as to the co-debtor, STEPHEN RINCON.

It is further **ORDERED** that the movant may join the debtor and any trustee appointed in this case as defendants in its action(s) irrespective of any conversion to any other chapter of the Bankruptcy Code.

The movant shall serve this order on the debtor, any trustee and any other party who entered an appearance on the motion.

*rev. 7/12/16*